

REMARKS

Applicant respectfully submits that this Reply is fully responsive to the Final Action mailed April 10, 2002

Claims 20-23, and 25-51 are pending in the case. Claims 21, 22, 38, and 47 are independent claims.

Claim Rejections - 35 U.S.C. § 112

Claims 47-51 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the invention. Specifically, independent claim 47, from which the remaining claims depend either directly or indirectly, is rejected for reciting "further limitations on the doll when no doll appear (sic) to have been positively recited in" the claim. Applicants contend that these are not "further limitations", but rather a definition of the doll for contextual purposes. Nevertheless, Claim 47 has been amended to remove the objectionable language. Applicants believe the rejection has thereby been obviated and respectfully request that it be withdrawn.

Claim 47 has also been amended to clarify that the material from which the clothing is made is injection molded.

Applicant respectfully submits that claim 47 and claims dependent therefrom are not indefinite, and fully satisfy the requirements of 35 U.S.C. § 112. Withdrawal of the 35 U.S.C. § 112 rejection is respectfully requested.

Response to Arguments

The Office Action states that the "material/fabric/clothing disclosed in Fig. 1 of Yasuda is clearly considered to be seamless. Additionally, the single 'garment' as broadly as claimed, the material can be considered as 'the garment.'" Although

Applicants disagree, we believe comment on this is unnecessary in light of the accompanying declaration under 37 CFR § 131.

131 Declaration

Enclosed herewith is a Declaration under 37 C.F.R. § 131 of Casey William Norman and Torquil Patrick Alexander Norman, inventors. The inventors recognized ^{when?} early on that there were competing interests to be dealt with in designing a new type of doll's clothing. The doll's clothing from a consumer's point of view must be attractive, easily donned and removed by children, and allow for movement of the underlying joints of the doll, while being relatively inexpensive. From a manufacturing and marketing point of view, the doll's clothing needed to be easily and quickly made with consistent quality, and be relatively inexpensive. As set forth in the Declaration, the inventors quickly realized that the material used would have to be both flexible and elastic in order to meet the consumer's needs. Thus, the inventors used models made from cold casted polyurethane to simulate the desired flexibility and elasticity. From a manufacturing point of view, cold casting is slow and expensive. The inventors then considered injection molding, which provides speed of processing and low unit cost (though high initial cost). The problem is that most-injection moldable materials are not elastic.

Thus, as early as November 1996, the inventors realized the need for flexible and elastic clothing, which led to the development of the polyurethane models, as detailed in the Declaration. Recognizing the commercial viability of injection molding, the

inventors ordered a flexible model and a rigid model for development of an injection mold, at least as early as March 1997. This is clear evidence of conception of the invention -- injection molded thermoplastic elastomeric doll's clothing. As set forth in the Declaration, all of this occurred prior to Yasuda's March 28, 1997 filing date.

The injection mold itself, from which the thermoplastic clothing was made, was not available until April or May of 1997. Once available, work began immediately in Hong Kong to find the optimal material to use in full scale production. Attention was immediately given to KRATON and other thermoplastic elastomers, which ultimately were successful. Shortly thereafter, two UK patent applications were filed upon which this application is based. Thus, reduction to practice and diligence are clearly shown.

Accordingly, applicants respectfully submit that under these facts and in light of the accompanying declaration under 37 CFR § 131, that the inventors conceived of their invention prior to the Yasuda filing date and exercised diligence in the following months until a patent application was filed. Accordingly, applicants' invention antedates the Yasuda reference. Withdrawal of the rejection is respectfully requested.

Applicants respectfully submit that the claimed invention is patentably distinct and unobvious over the cited references for the reasons stated above, and furthermore, that the date of invention predates the Yasuda reference. As such, none of the rejections can stand. Withdrawal of all outstanding rejections is respectfully requested. The Amendments and reasoning presented above should place the claims in condition for allowance, and in any event in better condition for appeal. Entry of the amendment to the

official file is respectfully requested.

Early reconsideration and allowance of all pending claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Guy T. Donatiello', written over a horizontal line.

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IN THE CLAIMS

(clean of the claims as amended)

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Please amend claim as follows:

C1 25. (Amended.) The doll's garment of claim 21 wherein said garment simulates clothing selected from the group consisting of a dress, a pair of dungarees, a jacket, a skirt, a vest, a pair of slacks, a hat, a coat, and a gown.

C2 47. (Amended.) A doll's seamless garment which is adapted to be dressed, fitted and be removed from a doll said garment comprises an injection molded elastomeric copolymer material selected from the group consisting of one of the following: ethylene vinyl acetate copolymer, styrene-butadiene-styrene, styrene-isoprene-styrene, styrene-diene, styrene-isoprene-butylene block copolymers containing mineral oil, branched styrene copolymer, styrene butadiene, styrene-butadiene triblock, styrene-isoprene-styrene linear block polymer, styrene-butadiene radial block copolymer, butadiene-styrene copolymer, the garment having a wall thickness from 1 to 3 mm, said garment having an average modulus of elasticity of less than 1 MN/m².
